

ORDER OF DISMISSAL

Plaintiff LEE CRAYTON, acting *pro se* and while a prisoner confined in the Texas

Department of Criminal Justice, Institutional Division, filed suit pursuant to Title 42, United

States Code, section 1983 complaining against the above-referenced defendants and was granted permission to proceed *in forma pauperis*.

On October 14, 2009, a Report and Recommendation was issued by the United States Magistrate Judge recommending the instant cause be dismissed with prejudice as frivolous and for failure to state a claim on which relief can be granted.

The period for objections has expired, and plaintiff has failed to file objections to the October 14, 2009 Report and Recommendation

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation. The Court is of the opinion that the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by

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the United States District Court.

This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge in this case.

IT IS THEREFORE ORDERED that the instant cause is DISMISSED WITH PREJUDICE
AS FRIVOLOUS and FOR FAILURE TO STATE A CLAIM ON WHICH RELIEF CAN BE
GRANTED

LET JUDGMENT BE ENTERED ACCORDINGLY.

All pending motions are DENIED.

The Clerk shall send a copy of this order to plaintiff and to any attorney of record. The Clerk shall also mail copies of this order to TDCJ-Office of the General Counsel, P.O. Box 13084, Austin, TX 78711; and to the Pro Se Clerk at the U.S. District Court for the Eastern District of Texas, Tyler Division.

IT IS SO ORDERED.

ENTERED this

day of November, 2009.

MARY LOU KOBINSON

UNITED STATES DISTRICT JUDGE